

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

KWANTEZ R. EVERSON,	:	Case No. 1:23-cv-701
	:	
Plaintiff,	:	
	:	
vs.	:	Judge Michael R. Barrett
	:	Magistrate Judge Kimberly A. Jolson
	:	
STATE OF OHIO, DEPARTMENT OF	:	
JOB AND FAMILY SERVICES (CSEAS),	:	
	:	
Defendants.	:	

REPORT AND RECOMMENDATIONS

Plaintiff, a former prisoner at the Butler County Jail, filed a complaint pursuant to 42 U.S.C. § 1983 in the Northern District of Georgia (Doc. 1-1), which was transferred to this district on October 27, 2023 (Doc. 6). Although Plaintiff previously filed two motions to proceed *in forma pauperis*, both were denied prior to the case being transferred. (*See* Docs. 1, 3, 5).

Pursuant to the Prison Litigation Reform Act of 1995 (PLRA), 28 U.S.C. § 1915(a)–(h), a prisoner seeking to bring a civil action without prepayment of fees or security must submit an application and affidavit to proceed without prepayment of fees *and* a certified copy of their trust fund account statement (or institutional equivalent) for the six-month period immediately prior to the filing of the complaint obtained from the cashier of the prison at which the prisoner is or was confined. 28 U.S.C. § 1915(a)(2). As Plaintiff had not paid the filing fee nor submitted an *in forma pauperis* application or a certified copy of his trust fund account statement (or institutional equivalent) as required by the PLRA, the Court was unable to act on Plaintiff’s Complaint. (*See* Doc. 7).

On October 31, 2023, the Court ordered Plaintiff to either file a motion to proceed in forma pauperis or pay the filing fee within 30 days, or his Complaint would be dismissed without further notice. (Doc. 7). To date, Plaintiff has not paid the filing fee, filed a motion to proceed *in forma pauperis*, or taken any other action in this matter, and the time to do so has passed. Further, on November 9, 2023, the Court's Order (Doc. 7) was returned as undeliverable due to Plaintiff's release. (Doc. 8). Plaintiff has not made any effort to update his address.

It is therefore **RECOMMENDED** that this matter be **DISMISSED without prejudice**, because Plaintiff failed to prosecute it diligently and failed to comply with a Court Order.

Date: December 5, 2023

/s/ Kimberly A. Jolson

Kimberly A. Jolson

UNITED STATES MAGISTRATE JUDGE